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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Combined fourth and fifth periodic reports of Japan due in 2016*, **

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** The annexes and the appendices to the present report are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee on the Rights of the Child.

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Introduction

1. Since the ratification of the Convention on the Rights of the Child (hereinafter referred to as "the Convention") in May 1994, Japan has endeavored to protect and promote the rights of the child in line with the spirit of the Convention. Japan submitted an initial report (1996), a second periodic report (2001) and a third periodic report (2008) in accordance with the provision of Article 44, Paragraph 1 of the Convention, in which Japan's fundamental legal systems regarding the implementation of the Convention and efforts made during the corresponding reporting periods were introduced.

2. Furthermore, Japan also submitted its initial reports under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC) when it submitted the third periodic report.

3. In this combined fourth and fifth periodic report, Japan reports on the progress of the various measures taken to implement the Convention and the both Optional Protocols from April 2006 to March 2016 (up to October 2016 regarding notable measures and legal amendments). (The report excludes the measures continuing without any changes since the third periodic report unless there is a particular reason.)

I. General measures of implementation (arts. 4, 42 and 44(6))

1. Reservations and declarations

4. See Paragraphs 6-10 of the third periodic report.

2. Measures taken to harmonize national laws and policies with the provisions of the Convention (art. 4)

Legislation

5. The Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children was amended in June 2014. It now criminalizes the possession of child pornography (Article 7(1)).

6. Making comprehensive amendments to the former Juvenile Training School Act and establishing a legal foundation to sufficiently harness the functions of juvenile training schools and juvenile classification homes, Japan enacted the new Juvenile Training School Act and Juvenile Classification Home Act on June 4, 2014 and the new acts took effect on June 1, 2015.

7. See Annex 1 for Act on Penal Detention Facilities and Treatment of Inmates and Detainees.

8. Japan amended the Act on Regulation on Soliciting Children by Using Opposite Sex Introducing Service on Internet in June 2008, and all of the provisions took effect from December 2008.

9. Japan partially amended the Self-Defense Forces Act in 2009 in light of OPAC stipulations and other factors, and, as the amended Act took effect (April 2010), revised the Ordinance for Enforcement of the Self-Defense Forces Act so that only those who are 18 years old or above are recruited as members of Self-Defense Forces.

10. Japan amended the Act on Advancement of Measures to Support Raising Next-Generation Children in 2014. The amendment extended the Act's effective deadline by 10 years and created a new confirmation (special confirmation) system.

Data collection

11. Regarding Concluding Observations Paragraph 22, Japan provides school aid to guardians of child students living in difficult economic conditions at the elementary and middle school stage and conducts a national survey on acts of violence, bullying, non-attendance, and other problem behaviors for child students at elementary, middle and high schools and takes necessary measures in light of the results.

3. National plan of action

Concluding Observations Paragraphs 8, 12, 14, 16

12. Based on the Act on Promotion of Development and Support for Children and Young People, as outline for the promotion of support measures for the development of children and young people, the "Headquarters for Promotion of Development and Support for Children and Young People," which is chaired by the Prime Minister and has all of the Ministers as members, approved the "Vision for Children and Young People" in July 2010 and the "Outline for the Promotion of Development and Support for Children and Young People" in February 2016. The outline covers a wide range of areas, including education, welfare, health care, medical care, correction, rehabilitation, and employment. The Government plans to continue to promote measures based on the new outline in accordance with the spirit of the Convention.

13. Regarding the implementation of measures based on the "Outline for the Promotion of Development and Support for Children and Young People," the Government prepares budgets for measures to support the development of children and young people and compiles related data, including population, health and safety, education, labor, delinquency and other problem behavior, on the current state of children and young people and discloses the results in the "White Paper on Children and Young People." http://www8.cao.go.jp/youth/english/policy_2016.html.

14. The Act on Promotion of Policy on Poverty among Children took effect in January 2014, and the Cabinet approved the "General Principles of Policy on Poverty among Children" in August 2014. Based on the General Principles, the Government is taking initiatives to improve educational support, livelihood support, employment support for their guardians, and financial support as priority measures. It is also currently conducting survey research to understand and analyze the state of child poverty since Japan has not necessarily conducted enough survey research on child poverty as pointed out in Concluding Observations Paragraphs 21, 22.

4. Government authority responsible for coordinating the implementation of the Convention

Concluding Observations Paragraph 14

15. The Ministry of Foreign Affairs (MOFA) has jurisdiction over the implementation of the Convention and Optional Protocols. The Cabinet Office is the organization with comprehensive coordination capabilities for juvenile measures.

5. Allocation of resources

Concluding Observations Paragraph 20

16. The Japanese Government's general account budget for fiscal year 2016 (excluding government bond servicing costs; initial budget basis) totaled 57.8286 trillion yen and included 5.1043 trillion yen for measures related to support for development of children and young people. Japan broadly arranges budgets for education, welfare, health care, medical care, correction, rehabilitation, and employment and secures sufficient resources to realize the rights of children shown in the Convention. Additionally, ministries and agencies analyze and conduct follow-up on the results of their policies in administrative business

reviews. The above budget value provides a total of direct and indirect outlays toward support of the development of children and young people and includes many budgets from which the portion just for children and young people is inseparable.

6. International cooperation

17. Japan has repeatedly committed itself to the target of 0.7% of GNI for ODA. It intends to continue to make the fullest efforts to secure necessary ODA budgets while being mindful of the target and fully recognizing its extremely severe fiscal situation. Specifically, it contributed 3.72 billion dollars to educational areas, 2.12 billion dollars to health areas, and 9.43 billion dollars to gender areas over the five years from 2011.

18. See the section for international cooperation in Annex 2 for more details.

7. National human rights institution

Concluding Observations Paragraphs 8, 18

19. The Government submitted the Human Rights Commission Bill for the establishment of a new human rights institution to the 181st National Diet Session in November 2012, but the Bill was scrapped due to the dissolution of the House of Representatives in the same month. A desirable framework of the human rights remedy system is being discussed appropriately based on the past progress of discussions as well.

8. Dissemination, training and awareness-raising

Concluding Observations Paragraphs 24, 88, 89

20. See Annex 2 for details.

21. This report is to be available on the web page of MOFA. The URL links to the web page are also shown on the web page of the Cabinet Office as well as in the White Paper on Children and Young People.

9. Cooperation with civil society

Concluding Observations Paragraph 26

22. The Government makes efforts to effectively implement the Convention, cooperating with private-sector groups and leveraging their expertise as noted below:

1. The Government held a meeting to exchange opinions with citizens and NGOs in the process of preparing this Report and intends to reflect their views in this Report when necessary and suitable. It also arranged opportunities for exchanging opinions between each NGO and any concerned ministry and/or agency.

2. Japan hosted a follow-up seminar to the Third World Congress against Commercial Sexual Exploitation of Children in Tokyo in June 2012. At the seminar, the then Prime Minister sent a video message addressing Japan's efforts and the Cabinet Office delivered a lecture on "Initiatives by the Japanese Government to Eliminate Child Pornography."

3. The Council on Promotion of Measures to Eliminate Child Pornography, which comprises the Government and several private-sector groups, holds annual general assemblies. In November 2016, the Council was expansively reorganized as the Council on Promotion of Measures to Eliminate Child Sexual Exploitation to promote more expanded measures and continue to achieve public and private collaboration including through information exchanges.

4. See Annex 2 for cooperation with NGOs engaging in international cooperation.

10. Children's rights and the business sector

Concluding Observations Paragraph 28

23. The development of a "National Action Plan on Business and Human Rights" is being discussed among the concerned ministries and agencies. This consideration will also solicit the opinions of various stakeholders, including the business community and labor circles.

24. The Ministry of Education, Culture, Sports, Science and Technology (MEXT) gives awards to companies with excellent programs for the promotion of nature experience activities and other experience activities for young people, and disseminates good practices all over Japan.

25. The Ministry of Economy, Trade and Industry (METI), through the CSR Forum Japan, for which the Business Policy Forum serves as the secretariat, makes efforts to figure out the main issues related to CSR both at home and abroad and to disseminate such information so that it penetrates the business sector. METI has also jointly established the EU-Japan Working Group on CSR with the EU's Directorate General for Internal Market, Industry, Entrepreneurship and SMEs. The Working Group discusses cooperation between Japan and the EU and shares corporate best practices.

26. The Government notified concerned entities about "Children's Rights and Business Principles" issued by UNICEF and others in 2012.

II. Definition of the Child (art. 1)

27. (Concluding Observations Paragraph 32) Regarding the marriage age for women, the Legislative Council of the Ministry of Justice, which serves as the advisory committee to the Minister of Justice, submitted a report in October 2009 stating that the marriage age for both men and women should be 18 years old should the legal age of adulthood be lowered to 18. The government is considering making legislative changes that encompass lowering the legal age of adulthood under the Civil Code.

28. (Concluding Observations Paragraphs 8) The Penal Code stipulates that rape charges can be applied to any sexual intercourse with a female who is under 13 years of age, regardless of the method or consent, from the standpoint of protecting young people who are not capable of making sufficient judgments regarding sexual matters. Japan also has provisions to penalize sexual activities, regardless of consent, with child who are not less than 13 years of age but less than 18 years of age in the Child Welfare Act, the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children, and Ordinances enacted by local government from the standpoint of child welfare. Thus, Japan's legal regime is designed to protect child who are under 18 years of age.

III. General principles (arts. 2, 3, 6 and 12)

1. Non-discrimination (art. 2)

Concluding Observations Paragraph 34(a)

29. On December 5, 2013, the Act for Partial Revision of the Civil Code was enacted. As a result of this revision, the share of inheritance of a child out of wedlock has become the same as the share of a child in wedlock. (Enforced on December 11, 2013).

30. See Annex 1 for amendment to Basic Act for Persons with Disabilities and Act for Eliminating Discrimination against Persons with Disabilities.

31. (Concluding Observations Paragraph 33) Regarding the removal of Article 5 from the Basic Act on Education, although the latter half of former Article 5 stipulated that co-education of boys and girls shall be approved, its intent has already been realized as a

historical fact in light of the actual widespread acceptance of this format throughout Japan during the almost 60 years since the law's enactment. While the first half of the former Article 5 stipulated the "importance of respect and cooperation between men and women," the revised Basic Act on Education carries on this meaning through the new inclusion of "equality of men and women" and "mutual respect and cooperation" as very important points under "goals of education" in Article 2. The Government therefore reasserts that concern about the removal of former Article 5 that mentioned the promotion of a gender-equal society in Concluding Observations Paragraph 33, which was also pointed out in the Concluding Observations by the CEDAW (CEDAW/C/JPN/CO/6), deviates from these historical backgrounds and the facts.

32. (Concluding Observations Paragraph 34(b)) In school education, with the aim of building an inclusive education system taking into account the Convention on the Rights of Persons with Disabilities ratified in 2014, Japan assesses individual educational needs from the standpoint of supporting the independence and autonomous participation in society of children and young people with disabilities, conducts special needs education that provides suitable guidance and necessary assistance to enhance capabilities and make improvements and overcome difficulties in living and learning, and offers diverse and continuous learning settings that include ordinary classes, special guidance, special needs classes, and special needs schools. Guidance in these venues takes place with special curricula, small-size classes, textbooks prepared with special considerations, teachers with specialized knowledge and experience, and facilities and equipment adjusted for disabilities. See paragraph 144 of the third periodic report for the Basic Plan for Human Rights Education and Encouragement.

33. (Concluding Observations paragraph 36) In 2016, the Legislative Council of the Ministry of Justice (MOJ), which examines and deliberates on basic matters relating to civil laws, criminal laws and other legal matters, submitted a report to MOJ on the review regarding the revision of the Penal Code, including eliminating gender differences in the treatment of offenders and victims of rape. Based on this report, the MOJ is currently making preparations to present a bill to revise the Penal Code.

34. (Concluding Observations Paragraphs 8, 34(b), 87) The human rights counseling system has been strengthened since 2015, such as setting up the "Foreign Language Human Rights Hotline," which is a telephone counseling service provided in 6 languages including English and Chinese, and expanding the number of "Human Rights Counseling Centers for Foreigners" from 10 to 50. (The centers are located in each Legal Affairs Bureau and District Legal Affairs Bureau nationwide, and provide counseling in 6 languages). See Annex 2 for awareness-raising activities conducted by the human rights bodies of MOJ.

2. Best interests of the child (art. 3) and respect for the views of the child (art. 12)

Concluding Observations Paragraphs 38, 40(a)-(b), 44

35. (Concluding Observations Paragraphs 37-40(b)) The fiscal year 2015 budget improved employee allocations to foster homes and other facilities via higher outlays in order to provide a more family-like environment for children who experienced abuse and others. (The fiscal year 2015 budget allocated one employee per four children.) Additionally, prefectures implement administrative guidance audits for child welfare at least once a year for child welfare institutions in their jurisdictions to ensure that the employee allocation standard is being met within the context of regional decentralization. Amendment to the Child Welfare Act in June 2016 clarified that all children shall have the right to be guaranteed for healthy growth, development, self-reliance and so on under appropriate child care in accordance with the spirit of the Convention. It also clarified that their welfare is to be guaranteed with the support of nationals, guardians and national and local (prefectural and municipal) governments (Articles 1 and 2).

36. The Act on Promotion of Development and Support for Children and Young People includes a provision that calls for taking necessary steps to reflect the opinions of the general public, including children and young people, in the formulation and implementation

of measures that support the development of children and young people. The Cabinet Office recruits "youth reporters" from young people, collects opinions regarding measures related to children and young people and strives to reflect these views in subsequent planning and proposal formulation.

37. The Government offers opportunities to factor in the opinions of children related to future town building in the process of reconstruction following the Great East Japan Earthquake. It reflected these views in proposals by the experts' study group "Future Vision for Fukushima's 12 Municipalities" and arranges opportunities for conversations between government ministers and other officials and children through cooperation with schools, civil society and others.

38. (Concluding Observations Paragraphs 43, 44) The formulation of school rules, determination of curricula and other related matters at schools are not considered items related to individual children and do not come under the scope of rights for expressing opinions described in Article 12(1). However, schools conduct questionnaires and offer forums for debate in classrooms and student council meetings regarding revisions to school rules, albeit in accordance with the maturity of the children, and manage high schools in a way that takes into account the opinions of children, as needed, such as adjusting the curriculum to factor in student choices.

39. (Concluding Observations Paragraphs 43) An Amendment to the Child Welfare Act in June 2016 stipulates that the Child Welfare Council may, when it finds it particularly necessary; hear the views of children and families (Article 8).

40. According to the Domestic Relations Case Procedure Act, children with sufficient mental capacity may perform procedural acts themselves in domestic relations cases that affect them (Articles 151(ii), 168(iii) and 118). It also stipulates that a family court shall endeavor to understand the intentions of the child by using appropriate methods and to take the child's intentions into consideration in adjudicating the case, according to the child's age or degree of development (Article 65). As adjudication of domestic relations is conducted in accordance with the stipulations of the Act, the best interests of the child are considered and the views of the child are respected. See Annex 1 for details.

41. See paragraphs 5 and 157.

42. (Concluding Observations Paragraphs 44) The Basic Plan for Human Rights Education and Encouragement calls for "enhancement and reinforcement of awareness-raising activities with the goal of spreading the concept of respect for human rights, aimed at the realization of a society that children are respected to a maximum extent as not merely objects of protection and guidance but subjects enjoying basic human rights." The human rights bodies of MOJ have conducted various activities for raising awareness in line with the basic plan.

43. In juvenile training schools, inmates are to be treated in a way that is instrumental to stimulating motivation for reformation and rehabilitation and to foster a spirit of autonomy, independence and cooperation as well as to achieve sound mental and physical development, under a positive and well-regulated environment, with respect for their human rights (Article 15 of the Juvenile Training School Act). Furthermore, the objective of the Act on Penal Detention Facilities and Treatment of Inmates and Detainees is to ensure the adequate treatment of inmates by taking into account their circumstances (Article 1). Education, job training, and other guidance are provided in accordance with the mental and physical maturity level of the juveniles, aiming for sound development of juveniles. Treatments are conducted taking into account the best interests of juveniles incarcerated in each facility in light of the treatment purpose.

44. See Annex 2 for more details.

3. Right to life, survival and development (art. 6)

(a) Capital punishment

45. As stipulated in Article 51 of the Juvenile Act, the minimum age for the death penalty is 18 years of age or more at the time of committing the offence.

(b) Suicide, infanticide and other relevant issues affecting the right to life, survival and development of children

Concluding Observations Paragraphs 8, 42

46. In June 2006, the Basic Act on Suicide Prevention was enacted, setting forth the basic principles for suicide prevention. It clarifies the responsibilities of the national government, local governments, employers and citizens with regard to suicide prevention; promotes comprehensive prevention measures by setting forth basic suicide prevention measures, and strengthens support programs for suicidal persons and families of suicide victims with the aim of realizing a society where people can live a healthy and hopeful life. According to the Basic Act on Suicide Prevention, the Council for Policy of Suicide Prevention was formed in the Cabinet Office, chaired by the Minister of State and the Chief Cabinet Secretary, and comprising the cabinet ministers as its members. This Act also stipulates that the government should establish a broad guideline for basic and comprehensive suicide prevention measures to be implemented by the government. In June 2007, the Guideline for Comprehensive Suicide Prevention Measures was approved by the Cabinet. It sets a quantitative target to reduce the suicide rate in 2016 by 20% or more from that in 2005 (2005 rate = 24.2 cases per 100,000 people; projected 20% or greater reduction by 2016 = 19.4 cases per 100,000 people, which is nearly the same rate as of the end of 2014 (19.5 cases per 100,000)), and stipulates that national and local suicide prevention programs should be established, evaluated and managed in accordance with the criteria set in the Guideline. Subsequently in August 2012, a new Guideline for Comprehensive Suicide Prevention Measures was approved by the Cabinet.

47. (Concluding Observations Paragraphs 41, 42) Schools provide guidance about the importance of life through the full range of educational activities, including the moral studies, and utilize experience activities and other initiatives to enhance such education that helps students understand the importance of life. Specifically, the "Council of Survey and Research Collaborators regarding Prevention of Suicide by Child Students" has prepared a handbook on suicide prevention for teachers, a handbook on suicide prevention that directly addresses child students, guidelines for background surveys when a child suicide occurs, and an emergency response handbook. MEXT raises awareness at schools, boards of education, and other forums and conducts practical training on the response when a suicide occurs and on suicide prevention education directly for children. MEXT issued a notice in June 2011 on a survey about possible factors leading to suicides by child students from the standpoint of helping prevent suicides. MEXT also strives to improve education consultation capabilities via expanded allocations of school counselors and school social workers in order to bolster the infrastructure that allows for easy consultation by children with worries. Prefectures are working to strength consultation capabilities in regional areas too, such as opening education centers and other consulting facilities that cover children.

48. Article 1 (2) of the Child Welfare Act stipulates that "All children shall equally be afforded the guaranteed level of life and be kindly treated."

49. Violence against children, including babies, is covered by criminal charges, including crimes of homicide and injury, etc. and suitable penalties are applied depending on the case.

50. (Concluding Observations Paragraphs 49(b)-(v)) Violence against children is covered by criminal charges including crimes of homicide, injury, assault, rape and forcible indecency, etc. and suitable penalties are applied depending on the case.

51. (Concluding Observations Paragraphs 41, 42) The Ministry of Health, Labour and Welfare (MHLW) prepared operational guidelines for child rearing facilities in March 2012

and created an accident response manual to ensure the safety of the child at the time of the accident or other emergencies. It makes employees aware of the manual and periodically updates the content. MHLW also collects examples of threats to child safety as an organization, and conducts factor analysis and researches countermeasures for use as guidelines. Third-party evaluations take place once every three years, and facilities make self-assessments in years without the third-party evaluations. MHLW reflects results from the assessments in facility operations. For school facilities and equipment, MEXT prepared the "Attention Points for Accident Prevention at School Facilities" report (March 2009) that presents the roles of related parties in accident prevention, the basic view of accident prevention by accident types, and specific attention points by building areas. It also raises awareness of school operators to the necessity and importance of legally required inspections and repairs based on inspection results.

52. See Annex 2 for more details.

IV. Civil rights and freedoms (arts. 7, 8 and 13-17)

1. Birth registration, name and nationality (art. 7)

Concluding Observations Paragraphs 8, 46(a)-(b)

53. (Concluding Observations Paragraphs 46(b)) Regarding the Convention Relating to the Status of Stateless Persons, the presence of stateless persons and the protection of their status and rights have not been a major issue in Japan and domestic needs for concluding the Convention are not necessarily clear. Furthermore, concerning the Convention on the Reduction of Statelessness, more public debate is needed as its conclusion requires the revision of the Nationality Act as a prerequisite. At this point, we are not under any proactive consideration as to the conclusion of the two Conventions.

54. Birth registration must be conducted within 14 days from the birth (Article 49 of the Family Register Act) and the father or the mother has a primary obligation to register the birth. If these two individuals cannot register the birth, a secondary obligation applies to (1) cohabitants and (2) the doctor, midwife, or others at the birth (in this order). If these obligatory registrants cannot register the birth, a separate legal agent can register the birth (Article 52). The birth registration places the child who is a Japanese citizen into the family register. The mayor of a municipality may send a notification to the subject party if the person who should register the birth has not filed the registration. They can also register the child in the family register under their authority if registration is not or cannot be filed even after the notification (Article 44). Furthermore, a person who has not submitted a notification or application that he/she should have submitted during the prescribed period without justifiable grounds shall be subject to a non-criminal fine of not more than 50,000 yen (Article 135). The Family Register Act also applies to foreigners who give birth while in Japan, and they have an obligation to file the above-mentioned registration.

2. Preservation of identity (art. 8)

55. See Annex 1 for the stipulation of Family Register Act on the issuance of a transcript of a family register.

3. Freedom of thought, conscience, and religion (art. 14)

56. Regarding Paragraphs 225 and 226 of the third periodic report, the revised Basic Act on Education in 2006 stipulates the following on religious education in Article 15 (1) (former Article 9): "The attitude of religious tolerance, general knowledge regarding religion, and the position of religion in social life shall be valued in education." Additionally, Article 9 (2) specifies that the schools established by national and local governments shall refrain from religious education for a specific religion.

57. All correctional facilities make efforts to provide treatment that respects the freedom of thought, conscience, and religion guaranteed by the Constitution of Japan. Except in cases of concern about disrupting the facility's ability to maintain discipline and order and conduct management and operations, facilities shall not prohibit or restrict personal worship or other religious behavior and opportunities to participate in religious rites and receive religious guidance.

4. Protection of privacy and protection of image (art. 16)

58. See Annex 1 for protection of privacy in Juvenile Training Schools, Juvenile Classification Homes and penal institutions.

5. Access to information from a diversity of sources and protection from material harmful to a child's well-being (art. 17)

59. See Annex 2 for details.

V. Violence against children (arts. 19, 24(3), 28(2), 34, 37(a) and 39) (Concluding Observations Paragraph 49)

1. Abuse and neglect (art. 19)

Concluding Observations Paragraphs 8, 57(a) (b)

60. According to the stipulation of the Act on the Prevention, etc. of Child Abuse as stated in paragraph 308 of the third periodic report, appropriate protection is provided to child victims of abuse.

61. (Concluding Observations Paragraphs 47, 48(a–c)) Article 2 of the Act on the Prevention, etc. of Child Abuse clarifies the definition of the term "child abuse" and prohibits it. The Act also broadly prohibits behavior or omissions that hurt the child's welfare in addition to child abuse. Furthermore, the amendment to the Act on June 2016 stipulates that a person who exercises parental authority over his/her child shall not discipline the child beyond the extent necessary for custody and education in disciplining the child. MHLW has been annually promoting November as a "Child Abuse Prevention Promotion Month" since 2004, and implements concentrated dissemination and awareness-raising activities on the problem of child abuse.

62. (Concluding Observations Paragraph 49(b)) MHLW changed the national common contact site for calling child consultation centers from a 10-digit number to an easily remembered three-digit number (189) to encourage notifications and consultations to child consultation centers without hesitation when someone discovers a child that appears to be facing abuse, and it started operation of this number in July 2015.

63. (Concluding Observations Paragraph 39(b)) See Paragraph 318 of the third periodic report for dissemination and awareness-raising addressed by police. Additionally, the revised Child Abuse Prevention Act from June 2007 contains provisions on summoning guardians, on-the-spot inspections and investigations by child guidance centers, and restraining orders against guardians. The National Police Agency (NPA) is trying to act appropriately for specific cases in order to put its fullest efforts into the prevention of abusive behavior and the protection of children, including revisions to the "manual on responses to child abuse" in March 2008.

64. (Concluding Observations Paragraph 82) The number of juvenile support centers (see paragraph 333 in the third periodic report) located at prefectural police office is 198 as of April 2016. There has also been progress setting up centers at sites other than police facilities taking into account the sensitivities of juveniles, guardians, and others.

65. (Concluding Observations Paragraph 49(b)) See paragraph 166 in the third periodic report for training for police staff. See Annex 3 for the data on child abuse collected by police.

66. Private-sector groups with a consignment from NPA operate an anonymous reporting program that receives anonymous tips from the general public about human trafficking or related crimes, juvenile welfare crimes, and child abuse cases, and pays tip fees depending on the extent of contribution to an arrest and protection of the victim.

67. (Concluding Observations Paragraph 57 (a)) The family education assistance team and other entities promote various initiatives, such as provision of learning opportunities and information, handling consultations, developing local safe spots, and visit-type family education assistance, in order to enhance family education assistance for all guardians in an effort to prevent child abuse.

68. See paragraph 47.

69. The amended Civil Code in May 2011 created a new parental authority suspension system that lets family courts prevent parents from exercising parental authority for a period of less than two years when the parental authority has been inappropriately exercised (Civil Code Article 834-2). This system took effect from April 2012.

2. Measures to prohibit and eliminate all forms of harmful practices (art. 24(3))

70. In July 2014, the Government of Japan attended the "Girl Summit" hosted by the Government of the UK aimed at fostering global momentum toward ending female genital mutilation as well as early and forced marriages, and announced its intention to cooperate with the international community, including UNICEF, UNFPA and IPPF, to tackle these issues.

3. Sexual exploitation and sexual abuse (art. 34)

Concluding Observations Paragraph 82

See "IV. Follow-up to OPSC."

4. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (arts. 37(a) and 28(2))

71. See Annex 3 for the data on child abuse.

72. The Social Welfare Act stipulates reasonable-effort obligations for managers of social welfare businesses to "supply information," "take measures to improve the quality of welfare services based on self-evaluations and third-party assessments" and "solve complaints," and prefecture social welfare associations create "proper administration committees" as a framework for coordinating complaint resolution in response to complaint consultations from users.

73. (Concluding Observations Paragraphs 8, 47, 48(b)-(c)) Article 11 of the School Education Act strictly prohibits corporal punishment at schools, and its intent is reiterated at meetings of people in charge of student guidance every year to keep them informed. While schools are allowed to discipline children and students when deemed necessary for educational purposes, MEXT provides notifications with examples to show that discipline and corporal punishment are different. These notices also emphasize that in situations requiring discipline, it shall not be corporal punishment, and instead children should be appropriately disciplined and students tenaciously guided with the goals of developing their normative attitudes and sociality. Teachers resorting to corporal punishment face disciplinary actions or other measures depending on the content. The National Center for

Teachers' Development, which implements unified and comprehensive training at the national level, holds classes on education-related laws in the training program for teachers and others with central roles in various regions, and explains content related to discipline and bans on corporal punishment in the treatment of children and students.

74. (Concluding Observations Paragraph 49(b)) MEXT conducts annual surveys and analysis of national conditions related to acts of violence, bullying, and other problem behaviors by children and students at elementary schools, junior high schools, and high schools.

75. (Concluding Observations Paragraphs 48(a) and 49(b)) The Penal Code contains crimes of assault and injury and clarifies that all types of violence are subject to punishment. Additionally, the Penal Code contains crimes of defamation and compulsion and clarifies that actions degrading the dignity of another person by various methods are subject to punishment.

76. See paragraph 50.

77. The Act on Penal Detention Facilities and Treatment of Inmates and Detainees clearly stipulates that efforts should be taken to prevent all types of physical and psychological violence against all inmates, including juveniles, at penal institutions, and the Juvenile Training School Act and Juvenile Classification Home Act contains similar stipulations regarding individuals at juvenile training schools and juvenile classification homes (See Annex 1).

78. The Act on Penal Detention Facilities and Treatment of Inmates and Detainees established the appeal system for inmates committed to penal institutions such as Claim for Review, Reclaim for Review, Report of Cases and Filing Complaint (Article 157-170). The Juvenile Training School Act and Juvenile Classification Home Act established the system of Filing of Relief and Filing of Complaints for inmates committed to juvenile training schools and juvenile classification homes (Article 120-132, Juvenile Training School Act, Article 109-122, Juvenile Classification Home Act).

79. From April 2006 to the end of December 2015, juvenile training schools, juvenile classification homes, and juvenile prisons had 22 incidents of violence against inmates (minors) that resulted in disciplinary actions under the National Public Service Act. When these types of incidents occur, the head of the respective institution must immediately issue a directive to prevent a repeat occurrence and take other steps to alert all the staff members at the institution. Measures are also taken to enhance staff member training on practices with respect for human rights.

5. Measures to promote the physical and psychological recovery and social reintegration of child victims (art. 39)

81. (Concluding Observations Paragraph 49(b)) See Annex 2.

81. (Concluding Observations Paragraph 82, OPSC Concluding Observations Paragraph 30(b)(ii)(a)) See paragraph 54 of the first periodic report of OPSC.

82. See paragraph 47.

VI. Family environment and alternative care (arts. 5, 9-11, 18(1)-(2), 20, 21, 25 and 27(4))

1. Family environment and parental guidance (art. 5)

Concluding Observations Paragraph 51

83. Article 1 of the Child Welfare Act stipulates that "All citizens shall endeavor to ensure that children are born and brought up in good mental and physical health." See Paragraph 270 of the third periodic report.

86. MEXT prepared and issued "Guidelines on handling allergies at nursery schools" in March 2011. It holds training seminars and engages in other initiatives to promote proper understanding of and responses to children with allergies and allergy ailments.

2. Parents' common responsibilities, assistance to parents and provision of childcare services (art. 18)

87. Regarding "schools for the blind, schools for the deaf, and special education schools" from Paragraph 274 of the third periodic report, the revised School Education Act from 2007 switched to a "special needs school" format that handles multiple types of disabilities in order to provide suitable education to children and students with multiple disabilities.

88. See paragraph 87.

3. Separation from parents (art. 9)

89. The amended Civil Code in May 2011 created a new parental authority suspension system (Civil Code Article 834-2). Procedures for designation or change to a person who has parental authority over the child or guardian for the child, or loss or suspension of parental authority, upon request by a child, relatives, or certain other parties, are handled in family court in accordance with the Civil Code, the Domestic Relations Case Procedure Act and the Domestic Relations Case Procedure rules. Related parties are given opportunities to intervene in the proceedings and express their opinions (See Annex 1).

90. See the Juvenile Training School Act, the Juvenile Classification Home Act and the Act on Penal Detention Facilities and Treatment of Inmates and Detainees in Annex 1.

4. Recovery of maintenance for the child (art. 27(4)) (Concluding Observations Paragraph 69(a)-(b))

91. MOJ is reviewing revisions to the system for asset disclosures that aid in the preparation of requests for compulsory fulfillment in order to recover alimony.

92. See Paragraph 292 of the third periodic report for specific ways of recovering alimony. Japan had 16,700 cases of fulfillment directives for family-related monetary obligations in 2014, and obligations were fully or partially fulfilled in 7,861 cases.

93. (Concluding Observations Paragraph 69(c)) Regarding the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, it is necessary to organize a cooperative system among the concerned ministries and agencies, including the designation of a Central Authority, and to make serious consideration of the feasibility of the conclusion of the Convention.

5. Children deprived of a family environment (art. 20)

94. Measures corresponding to Concluding Observations Paragraph 53(a)-(e) are as follows.

(a) Care for children in a family-type environment (such as a small-scale group facility):

In 2009, Japan created a framework for small-scale home-type child care operations (family homes) to care for abused children and others in the home of a care giver (up to 5-6 children).

(b) Periodic monitoring of alternative care environments and measures to secure care environments:

To improve the quality of facility management, Japan updated the minimum standards for child welfare facilities and established obligations for third-party assessments and facility manager training in September 2011. It also formulated operational guidelines for foster homes and other sites and care guidelines for foster parents and others in March 2012.

(c) Responses to child abuse at alternative care environments:

The revised Child Welfare Act implemented in 2009 contained provisions regarding the prevention of abuse of children at facilities. Japan also places employees with psychotherapy skills at foster homes and other sites, and implements counseling and other psychotherapy for children who need this therapy to deal with psychological scars from abuse and other ill treatment.

(d) Fiscal assistance for foster parents:

All foster parents receive funds for living costs, medical costs, educational costs, and other expenses, and foster parents and professional foster parents receive foster parent or professional foster parent allowances.

(e) United Nations guidelines for child alternative care:

Japan prepared "foster parent consignment guidelines" in 2011 in order to promote more foster parent consignments via cooperation among prefectures and municipalities, their respective child guidance centers, foster parent groups, foster parent assistance entities, child welfare institutions and other related entities. The guidelines assert that foster parent consignments should be given priority in social care. Prefectures and municipalities intend to pursue initiatives to achieve ratios of roughly one third each for children in main facilities, children in group homes, and children consigned to foster parents and family homes during the 15-year period covering fiscal 2015-29.

6. Periodic review of placement (art. 25)

93. The parole system works to periodically review the incarceration of juveniles in juvenile training schools and juvenile prisons. It aims to promote the rehabilitation and sound reintegration of the inmates. The authority to grant parole is given to the Regional Parole Boards, established in eight regions in Japan. Generally, at the proposal of the head of a correctional institution, a committee comprising three members from the Regional Parole Board starts an examination to determine whether to grant or reject parole for the juvenile inmate. In principle, a member of the committee individually interviews the objective person in question and the committee provides a decision or judgment based on the results of the interview, considering the eligibility for parole, the period of parole, special conditions that must be complied with during the parole, and other factors. For details of the examinations carried out at the proposal of the head of a correctional institution, please see Attachment 1 "Regulations for the Rehabilitation of People Who Have Committed Crimes and Juvenile Delinquents in Society."

7. Adoption (national and intercountry) (art. 21)

Concluding Observations Paragraph 55(a)-(b)

94. Japan requires family court approval for adoptions of a minor, other than in cases of adoption by a lineal relative of the person or the guardian, from the standpoint of protecting the welfare of minors (Article 798, Civil Code).

95. Regarding the Hague Convention on the Protection of Children and Cooperation with Respect to Inter-Country Adoption, it is necessary to organize a cooperative system among the concerned ministries and agencies including the designation of a Central Authority, and to continue further consideration of the feasibility of the conclusion of the Convention.

96. Regarding international adoption, it is as stated in Paragraph 302 of the third periodic report. Article 20(1) of the Act cited in the paragraph is defined in Article 31(1) of the Act on General Rules for Application of Laws (the actual content has not changed; took effect on January 1, 2007).

8. Illicit transfer and non-return (art. 11)

97. Japan concluded the Hague Convention on the Civil Aspects of International Child Abduction in January 2014. This Convention took effect in Japan on April 1, 2014, and Japan started applying the Convention based on the law regarding its implementation. Japan is faithfully implementing the Convention.

98. See Paragraph 291 of the third periodic report.

9. Children with incarcerated parent and children living in prison with their mothers

99. In cases where a female inmate requests to nurse her child inside a penal institution or juvenile training school, she may be permitted to do so, if deemed appropriate, until the child becomes one year of age (Article 66, Act on Penal Detention Facilities and Treatment of Inmates and Detainees, Article 59, Juvenile Training Schools Act). Additionally, if required in the particular case in light of the mental and physical conditions of the inmate or for fostering the child, the head of the institution may permit the inmate to continue to do so for a maximum of six months. The institution shall lend or supply articles necessary for fostering the child, and the inmates may use self-supplied articles as long as it does not hinder either the maintenance of discipline and order, or the management and administration of the institution. Furthermore, necessary measures such as medical examination or medical treatment shall be taken for the child. The institutions ensure the protection of mothers who are inmates and their children living in penal institutions or juvenile training schools.

VII. Disability, basic health and welfare (arts. 6, 18(3), 23, 24, 26, 27(1)-(3), and 33)

1. Children with disabilities (art. 23)

Concluding Observations Paragraphs 8, 59(a)-(b)

100. In January 2014, Japan ratified the Convention on the Rights of Persons with Disabilities.

101. To promote programs for persons with disabilities in line with the Convention on the Rights of Persons with Disabilities, the Basic Act for Persons with Disabilities was revised in 2011 to reflect the concept of a "social model" in the definition of "persons with disabilities," and to include provisions regarding "reasonable accommodation" in Japanese law, among other revisions. In September 2013, the Basic Programme for Persons with Disabilities (Third), which is the most basic plan for actions to be implemented by the government for persons with disabilities, was created and approved by the Cabinet, covering about five years from FY2013 to FY2017. Based on this Basic Programme, various programs to support the independence and social involvement of persons with disabilities are being implemented.

102. In line with the revision of the School Education Act in 2007, from the view point of providing support to independent efforts to promote independence and social involvement of children with disabilities, the government's basic policy for the education of children with disabilities was constructively transformed from "Special Education" that focuses on providing education in special places exclusively intended for such children according to the type and the degree of their disability into "Special Needs Education" that focuses on

identifying the educational needs of individual children with disabilities and providing proper guidance and necessary support to them to strengthen their abilities and improve or overcome difficulties in their daily life and learning.

103. For detailed information about the number of persons with disabilities, please refer to Attachment 3.

104. Regarding health and welfare programs for persons with disabilities, the government, in accordance with the provisions in the Services and Support for Persons with Disabilities Act enforced on April 1, 2006, established a unified system to provide welfare services to persons with disabilities of all types, whether physical, intellectual or mental. The government also established a system to support the independence of persons, including children with disabilities, in daily and social life by providing necessary welfare and consultation services. In December 2010, the Child Welfare Act was partially revised. To improve support for children with disabilities under the revised Act, facilities for children with disabilities, which were traditionally designated for children with specific types of disabilities, were integrated based on the mode of use (day service or residential), which has made it possible for such children to receive adequate support in their neighborhood. Additionally, the Services and Support for Persons with Disabilities Act was partially revised and renamed the "Act for Comprehensive Support for Persons with Disabilities in Daily and Social Life." New provisions to describe the basic principles were added and the definition of persons with disabilities was extended (e.g. addition of intractable diseases and others). Based on the revised Act, the government continues to implement programs to realize the integration of persons with disabilities into society and communities. The basic principles stipulate that every citizen is respected as an individual entitled to basic human rights; that an integrated society where people live together with no segregation regardless of the presence of disabilities should be the goal; that persons, including children, with disabilities should be able to receive necessary support in their neighborhood and be guaranteed opportunities for social involvement and opportunities to choose where and with whom they live; and that social barriers should be removed.

105. For details of activities implemented by the respective agencies, please refer to Attachment 2.

2. Health and health services (art. 24)

Concluding observations, paragraphs 61 and 63

106. (Concluding observations, paragraph 63) The government is considering establishing a system to implement third party evaluation of temporary child protection facilities operated by child guidance centers.

107. (Concluding observations, paragraph 61) Child and adolescent mental care professional training programs are provided to doctors, nurses, social workers, mental health social workers and other relevant workers in mental health and welfare centers, public health centers, child guidance centers and other relevant institutions.

The number of ADHD patients is identified through patient research. From FY2014 to FY2016, the government created a medication guideline for children and adolescents with disorders, including developmental disorders.

108. Since FY2008, the government has promoted programs to establish support systems that provide adequate mental care to children with various problems, mainly in cooperation with major hospitals in individual prefectures, as well as other medical institutions and health care and welfare agencies. Training programs designed to develop the abilities of doctors to provide adequate mental care to children facing various problems, from toddlers to school-aged children and adolescents, are also provided.

109. For details of activities implemented by the respective agencies, please refer to Attachment 2.

3. Communicable and non-communicable diseases

Concluding observations, paragraph 65

110. For detailed information about the AIDS trend, please refer to Attachment 3.

111. To promote the penetration of science-based education on AIDS prevention in schools and communities according to the phase of action or the development stage of youth and to promote the social division of tasks and cooperation between schools, public health service and parents, a youth AIDS education program is provided to teachers in junior and senior high schools, and employees in public health centers to train them on practical AIDS education methods based on behavioral change science. Additionally, the government provides information on HIV/AIDS to the public via the internet to ensure easy access to information by young people and school personnel.

Through these activities to provide information on AIDS and promote correct understanding of the disease, the government is endeavoring to prevent expansion of HIV infection and eliminate discrimination and prejudice against persons with HIV/AIDS.

4. Reproductive health rights

Concluding observations, paragraph 65

112. Guidance on sexual issues and AIDS is given in schools as part of the educational curriculum in many school activities in accordance with the government's school curriculum guidelines, with the aim of providing science-based information concerning sex to students so that they can take proper actions based on accurate knowledge. Activities to improve the guidance abilities of teachers are also implemented. Study meetings are provided to school teachers, and teaching materials that comprehensively explain various children's health issues, including sexually transmitted diseases, are created and distributed to teachers. Programs to promote the development of trainers and their assignment in school districts are also implemented to ensure that guidance on sexual issues is effectively provided to school children according to their stage of development.

(Concluding observations, paragraphs 64 and 65) As explained above, the school's curriculum covers reproductive health, although the term "reproductive health" is not actually used therein. Teaching materials comprehensively covering health issues also contain material regarding how to access sources of accurate information on the prevention of HIV/AIDS and other sexually transmitted diseases.

5. Drug abuse (art. 33)

113. The government established the Fourth Five-Year Strategy for Prevention of Drug Abuse in August 2013 and the Urgent Action for Eradication of Abuse of Dangerous Drugs in July 2014. Based on these strategies, related government agencies are closely cooperating in implementing activities to eradicate drug abuse.

The government sets the target of eradicating drug abuse by young people by continuing to educate school children, mainly middle and high school students, on the dangers of drug abuse, and further strengthening education for young people who are not school-aged. To achieve this target, related government agencies make unified efforts to implement public measures to prevent drug abuse especially by young people and children.

114. For details of activities implemented by the respective agencies, please refer to Attachment 2.

6. Social care and childcare services and facilities (arts. 26 and 18(3))

115. For activities to promote the sound growth of children after school, please refer to Attachment 2.

7. Standard of living (art. 27(1)-(3)

Concluding observations, paragraph 67

116. Please refer to Paragraph 14.

117. The government provides a child care allowance to a mother who takes care of her child, a father who takes care of his child and lives with the child on the same income source, or a guardian who takes care of a child, during the period until the first March 31 after the child becomes 18 years old (or until the child becomes 20 years old in the case of a child with disabilities).

118. The child care allowance system has been implemented since 1972 with the aim of reducing strain on the household budget of child-rearing families, contributing to stable living for such families and promoting the healthy growth of children, who will play main social roles in the future.

119. In April 2015, the new Child and Child-Raising Support System commenced. Based on the Plan to Accelerate the Elimination of Waiting Lists for Nursery Schools, the government is implementing measures to increase the quantity and quality of support for children and childcare, including the addition of nursery schools, extension of childcare service hours, provision of holiday childcare service and promotion of after-school children's clubs.

VIII. Education, leisure and cultural activities (arts. 28-31)

1. The right to education (including vocational training and coaching) (art. 28)

120. With regard to bullying in schools, schools are responsible for taking action, in principle, from the view point of taking education into consideration with regard to both the bullied child and the offender. However, if school bullying involves or is suspected to involve a criminal offense, the police will get involved based on the consent of the bullied child or his/her parent, and considering the results of the actions taken so far by the school and others.

If the bullied child is in obvious need of help for recovery from mental wounds, with the parent's consent, continuous counseling and other support is provided by juvenile officers, mainly through the police's juvenile support center.

121. Regarding scholarships, please refer to paragraph 391 of the third periodic report.

122. Regarding the number of teachers, the government has striven to retain the necessary number of teachers and other staff and has improved the achievement of their allocations by implementing a series of plans to improve them. Even after the last of the plans was completed in 2006, a total of 12,790 teachers were improved at public elementary and junior high schools during the 10 years leading up to FY2015.

123. (Concluding observations, paragraphs 70 and 71) Regarding admission to high schools, diverse screening methods are now offered to children so that they can choose high schools that fit their individuality. For example, high schools that accept children with insufficiently developed academic ability during junior high school due to truancy or any other reason have been established. As for admission to universities and colleges, the government has requested such institutions to use screening methods that comprehensively evaluate the academic ability, motivation, aptitude and other qualities of applicants from multilateral aspects based on the educational philosophy and educational subjects offered by the respective universities/colleges, not only based on the evaluation of knowledge and skills. Such institutions are also requested to increase the acceptance rate of students with diverse backgrounds and give proper consideration to screening methods so that they do not have a negative influence on the education offered by high schools. The final report of the Council for Reforming the Passage from High Schools to University also suggested that universities should reform their admission screening methods to comprehensively evaluate

the academic ability and experience of individual applicants from multiple aspects, taking into consideration the diversity of applicants' backgrounds. Based on this report, the government is deliberating with interested parties from universities and high schools, as well as other educational experts, to establish a new framework. Under these circumstances, the government is promoting reform of the admissions screening methods of universities and colleges, focusing on multilateral and comprehensive evaluation.

If, after reviewing this government report, the Committee maintains its previous observation that it "notes with concern that, in spite of the reduced numbers of children competing for admission to schools and universities, complaints about excessive competition continue to rise[, and] is also concerned that this highly competitive school environment may contribute to bullying, mental disorders, truancy, drop-out and suicides among children of school-going age", then objective grounds for such observations should be presented to the Japanese government.

124. (Concluding observations, paragraphs 70 and 71) To address the problem of school bullying, with the basic understanding that bullying may occur in any school and to any child, each school provides guidance to children to make them fully understand that "no bullying is acceptable" and promotes cooperation with parents and local communities to address the problem of school bullying. MEXT has distributed instructions to schools and the board of education in each municipality to conduct a comprehensive inspection and strengthening of efforts made to address school bullying. To identify bullying at the earliest stages, which is fundamental for eliminating it, and to pinpoint where bullying is occurring in each school, which is necessary to take necessary actions quickly, MEXT also instructs schools to create definite opportunities to directly and regularly listen to the voices of affected children, such as conducting surveys using questionnaires.

The Act for Promoting Bullying Prevention Measures, which stipulates the basic principles and systems to confront society's bullying problem, was enacted in June 2013 and enforced in September of the same year. In October 2013, MEXT established the Basic Policy for Bullying Prevention.

To ensure that actions are taken in accordance with this Act and the Basic Policy, MEXT has implemented various initiatives, including:

1. Providing guidance on school bullying to schools and municipal boards of education;

2. Hosting study meetings for officers in charge of child guidance at boards of education, school principals and other managerial staff members;

3. Improving the educational consultation system by posting school counselors and school social workers at schools;

4. Conducting inspections to find what actions are actually being taken by schools and boards of education; and

5. Establishing a Council for Bullying Prevention within MEXT.

125. (Concluding observations, Paragraphs 72 and 73) Regarding schools for foreigners, the government provides preferential tax treatment to schools for foreigners designated as "schools in the miscellaneous category." Local governments also provide financial support to these schools according to actual conditions in individual prefectures. Accordingly, the government is now encouraging prefectural governments to relax the criteria for designating an institution as a school under the miscellaneous category or a quasi-educational corporation. Additionally, students who attend certain high schools for foreigners designated under the law are entitled to receive financial support for school tuition under the High School Tuition Support Fund System.

126. (Concluding observations, paragraphs 72 and 73) Any person who has graduated from a Japanese high school or equivalent, or who has an academic ability equivalent to that of a high school graduate, is qualified to be admitted to a university or college in Japan, regardless of whether or not the person possesses Japanese citizenship. A person who has graduated from a school for foreigners is also qualified to be admitted to a university or college in Japan just like other students who have graduated from Japanese high schools, as

long as such school for foreigners is (i) a school for foreigners designated by the government as a school equivalent to a high school in any foreign country, or (ii) a school for foreigners authorized by an international authorizing organization (WASC, CIS or ACSI). Even if a person graduates from a school that does not fall under either (i) or (ii), if he/she passes the admission qualification examination conducted by an individual university or college, he/she is qualified to be admitted to that university or college. Thus, there is no discrimination regarding access to university/college entrance examinations in Japan.

127. (Concluding observations, paragraph 73) Regarding the UNESCO Convention against Discrimination in Education, the government has no concrete plans to sign the Convention at present. Regarding the prevention of discrimination in education, Japan has already stipulated under the Basic Act on Education that every citizen should be given equal opportunities to receive an education and should not be discriminated against in this regard. The government has been implementing educational programs based on this basic principle. Foreigners living in Japan are also provided with educational opportunities to the same degree as Japanese citizens, including the opportunity to receive a standard education under the Japanese mandatory education system if they wish.

128. (Concluding observations, paragraphs 74 and 75) Japan has introduced the textbook authorization system for the textbooks used in elementary, middle and high schools, etc. The purpose of the textbook authorization system is not to establish the specific perception of historical events or historical facts by the government, but to identify obvious errors or significant imbalances in the description of textbook produced in the private sector, in light of the results of objective academic achievement and appropriate materials, through authorizations conducted by the Textbook Authorization Research Council, which comprises experts from non-governmental sectors. Such authorizations are conducted in accordance with the Basic Act on Education, which aims to foster an attitude of respect for other countries and a desire to contribute to world peace and the development of the international community, and with the Textbook Authorization Standards, which specify that necessary consideration should be given from the viewpoint of international understanding and cooperation with neighboring Asian countries. Accordingly, the Committee's concern that "Japanese history textbooks do not enhance the mutual understanding of children from different countries in the region as they represent a Japanese interpretation of historical events only," misses the point.

The Japanese government has been striving to deepen children's understanding of Japan and the international community and promote mutual understanding and mutual trust with neighboring countries and other countries through proper history education.

129. For details of activities implemented by the respective agencies, please refer to Attachment 2.

2. The aims of education (art. 29)

130. The government revised the Basic Act on Education in December 2006. Article 1 of the revised Act stipulates the purpose of education and Article 2 stipulates the objectives of education. These are consistent with the directions stipulated in Article 29.1 of the Convention. (Please refer to Attachment 1.)

131. Please refer to paragraph 419 of the third periodic report. In March 2008, the government compiled the Report on Teaching Methods of Human Rights Education (third report).

3. Education on human rights and civic education

132. Please refer to "Public relations and educational activities" in Attachment 2.

4. Rest, play, leisure, recreation, cultural/artistic activities (art. 31)

Concluding observations, paragraph 76

133. With the participation of community residents, school facilities are utilized after school hours or on weekends for various learning activities, experiencing nature, cultural, artistic, sports and other activities, as well as socializing with community residents.

134. For information on opportunities to appreciate artistic works, please refer to paragraph 430 of the third periodic report.

135. In March 2012, the government established the Basic Sports Plan to comprehensively and systematically promote sports activities. For details, please refer to Attachment 2.

136. For information on cultural facilities, please refer to paragraphs 433 and 434 of the third periodic report, as well as Attachment 3.

137. For information on child welfare facilities, please refer to paragraph 435 of the third periodic report.

IX. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d), and 38-40)

1. Refugee children (arts. 22)

138. (Concluding observations, paragraphs 77 and 78 (a)) As part of the Integration Programme for convention refugees and resettlement refugees, local integration support facilities provide a six-month Japanese language training programme for refugees to learn basic Japanese necessary for daily life in Japan. After the refugees leave the local integration support facility, the government continues to provide support, such as consultation on Japanese language education and providing Japanese language learning materials. From 2010 to 2015, of 105 resettlement refugees who came to Japan, 84 (50 adults and 34 children), excluding infants, took the Japanese language training programme.

139. Please refer to paragraph 443 of the third periodic report.

140. (Concluding observations, paragraph 78 (b) and (c)) Applications for recognition of refugee status are processed expeditiously for children under 16 years of age unaccompanied by their parents and persons with serious illness. Additionally, the government is now conducting a trial run of allowing doctors, counselors, lawyers, etc. to be present during applicant interviews. Although the opinions of the UNHCR do not have a binding legal effect regarding refugee status recognition procedures in Japan, they nonetheless are given adequate consideration in the actual recognition process. As of the end of January 2016, 768 children filed applications for recognition of refugee status. Since January 1982, when the refugee status recognition system was first established in Japan, 132 children have been recognized as refugees. (Note: this statistic includes the filing of objections.)

2. Children belonging to minorities or indigenous groups

Concluding observations, paragraphs 86 and 87

141. In accordance with the principles of the Constitution and the Basic Act on Education, the government provides opportunities for every child to receive an education.

142. To protect the human rights of children belonging to minorities or indigenous groups, the human rights bodies of MOJ have set "Protect Children's Rights", "Respect for the Rights of Foreign Nationals" and "Deepen Understanding of the Ainu People" as priority targets of activities for human rights awareness-raising, and conduct various awareness-

raising activities, such as holding lectures and workshops and distributing promotional brochures and leaflets.

3. Children in situations of exploitation

(a) Economic exploitation (art. 32)

143. Please refer to Paragraph 66.

144. The Labor Standards Act stipulates that an employer shall not force workers to work against their will by means of physical violence, intimidation, confinement, or any other unfair restraint on the mental or physical freedom of said workers. It also stipulates that, unless permitted by law, no person shall profit by intervening as a business in the employment of others. The Labor Standards Act also stipulates that an employer shall not allow persons less than 18 years of age to engage in dangerous work or the handling of heavy materials, or to work in dangerous places injurious to their safety, health or welfare, or work in mines. The specific range of such dangerous or injurious work is defined in the Regulations on Labor Standards for Minors.

145. (Concluding observations, paragraph 80 (b)) In accordance with Japan's 2014 Action Plan to Combat Trafficking in Persons, support for female victims of trafficking has been strengthened. Women's consulting offices provide protection to female victims of trafficking, regardless of nationality and age, and also provide them with food, clothing, shelter, and respect for their religion and food culture with regard to living spaces, bathing and dining; in addition to providing them access to officers in charge of psychological therapy, interpreters and night guards. Financial support is provided to cover medical costs, and information on available legal support is also provided to victimized women.

146. The Japanese government supports projects to fight against human trafficking and the use of child soldiers through the UN Trust Fund for Human Security. Additionally, in July 2010 and January 2014, the government hosted an Opinion Exchange on Child Labor, in which representatives from concerned ministries, NGOs, employers' and workers' organizations, and international organizations, such as the International Labour Organization, participated.

(b) Sale, trafficking and abduction (art. 35)

Concluding observations, paragraph 80

147. To ensure the safe repatriation of foreign victims of trafficking identified in Japan, and to prevent their re-trafficking, since May 2005, the government has supported the repatriation and social rehabilitation of victims of trafficking through contributions to the International Organization for Migration (IOM), which provides counseling, arrangement of return tickets, assistance for departure, provision of shelter and medical and mental care after repatriation, legal consultation and other support. From April 2006 to the end of 2015, the IOM has supported the return home of 209 foreign victims of trafficking in total.

148. The government dispatches official delegations to concerned countries every year to discuss and exchange opinions on effective measures to prevent and eradicate trafficking in persons with the government, international organizations and NGOs of the visited country. These delegations have been dispatched to Thailand, Indonesia, Laos, Cambodia, Austria, South Korea, the U.S., and the Philippines since April 2006. Through this initiative, the government established the Japan-Thailand Joint Task Force in May 2006 to strengthen cooperation between countries in the fight against trafficking in persons.

149. On July 23, 2009, Japan signed the International Convention for the Protection of all Persons from Enforced Disappearances.

150. Please refer to Paragraph 174.

151. The issue of abductions by North Korea is a universal issue among the international community as violation of fundamental human rights. The abductees include those who were children when they were abducted. Japan has been urging North Korea to implement

the agreement at the Japan-North Korea government — level consultations held in Stockholm in May 2014, in which North Korea committed to conducting comprehensive and full scale investigations on all Japanese nationals, including abductees. Japan also raises the abductions issue to other countries at every opportunity to ask for their cooperation. The "Resolutions on the Situation of Human Rights in the DPRK," which Japan and the EU co-tabled were adopted every year at the UN Human Rights Council since 2008 and at the UN General Assembly since 2005 respectively. The resolution adopted at the UN General Assembly in December 2016 strongly calls upon North Korea to resolve issues of international concern urgently, including by the immediate return of abductees. Additionally, in the same month, a meeting to discuss the "situation the DPRK," including human rights situation, was held at the UN Security Council for the third consecutive year. In this meeting, Japan demanded that North Korea resolve the abductions issue at the earliest possible date.

152. Through the revision and enforcement of the Ordinance of the Ministry of Justice (in March 2005 and June 2006), the examination on resident status of entertainers, for which the Committee expressed concern with regard to human trafficking, was tightened.

4. Juvenile justice

(a) Administration of the juvenile justice (art. 40)

Concluding observations, paragraph 85

153. Please refer to "Protection of private life" in Attachment 2.

154. Regarding the avoidance of subsequent stigmatization pointed out in "Concluding observations, paragraph 85 (a)," please refer to Article 60 (Application of laws and regulations concerning personal qualifications) and Article 61 (Prohibition on publication in articles, etc.) of the Juvenile Act.

155. (Concluding observations, paragraph 85 (b)) The revision of the Juvenile Act in 2000, which lowered the minimum age for criminal punishment from 16 to 14, was made in light of the alarming situation where serious and vicious crimes were frequently committed by juveniles aged 14 or 15. Thus it was deemed necessary to foster the morality of juveniles in those ages and to have them recognize their responsibility in social life by clearly stipulating that they can be criminally punished if they commit a crime, in order to ensure their sound upbringing. Moreover the minimum age for criminal punishment under the revised Juvenile Act, age of 14, is the same minimum age for criminal responsibility under the Penal Code. Therefore, the government does not recognize any situation that requires re-amending the minimum age for criminal punishment under the Juvenile Act to the age of 16, as pointed out in the Concluding observations.

It should also be noted that in Japan, all cases of juvenile delinquency, which include commission of criminal offense, are first referred to the family court which has medical, psychological, and educational expertise on juvenile issues. Experts under the family court professionally investigate the behavior, background, character and environment of the juvenile, his/her guardian and other related persons and properly assess the necessity and the extent of the protection of the juvenile. Based on the investigation and other evidence the family court makes a decision, and the juvenile is subject to the criminal procedure only if the family court finds it appropriate. This process also applies to juveniles aged 14 or 15 who have committed a serious offense.

Additionally, juveniles under 16 years of age who are sentenced to imprisonment with or without work may be detained in juvenile training schools and treated as being under protective measure until they reach 16 years of age (Article 56 (3) of the Juvenile Act).

156. (Concluding observations, paragraph 85 (c)) In Japan, no child under the minimum age of criminal responsibility is treated as a criminal offender or sent to a penal institution.

As explained above, children over the age of criminal responsibility are handled by the family courts first, and the court makes a judgment based on a proper assessment of the

necessity and the extent of the protection of the child. Only when the family court finds it appropriate, is the case then subject to a criminal trial, including the *saiban-in* (citizen judge) system, just like an adult's case.

In the course of the trial, the results of the investigation conducted by the family court can be taken into consideration as evidence, and if the criminal court judges that the child should be put under protective measures, the case is transferred back to the family court.

157. (Concluding observations, paragraph 85 (d)) Please refer to paragraphs 172 and 173 of the third periodic report. For certain serious cases in which public prosecutors can participate, and the juvenile is put under protective custody in a juvenile classification home, and if the juvenile does not have an attendant who is an attorney-at-law for the family court procedure, the family court may appoint one ex-officio. Before the amendment, the range of serious cases, in which the family court could appoint a court-appointed attendant for a juvenile, had been limited to the ones which involved an offence of intentional criminal conduct causing death to a victim, or an offence punishable by death penalty, life imprisonment or imprisonment with a minimum term of two or more years. However, under the amended Juvenile Act, which was enforced in June 2014, this range was expanded to cases which involve an offence punishable by death penalty, life imprisonment or imprisonment with a maximum term of three or more years. (Article 22-3 (2) of the Juvenile Act)

158. (Concluding observations, paragraph 85 (g)) For details on education and training in juvenile prisons and juvenile training schools, please refer to Attachment 2.

159. Please refer to Paragraph 58.

160. "Juvenile probationers" include children put under probation by a family court judgment, children paroled from juvenile training schools or from juvenile prisons, and children under probation with suspension of execution of the sentence. For details, please refer to Attachment 2.

161. For reference materials relating to Article 40.2 (b) (vi) of the Convention, please refer to Attachment 3.

(b) Children deprived of liberty (arts. 37 (b)-(d))

162. (Concluding observations, paragraph 85 (e)) Please refer to paragraph 166. If a juvenile is sentenced to a criminal punishment of imprisonment for not more than three years or a fine of not more than 500,000 yen, and the juvenile has not been sentenced to imprisonment or a greater punishment, execution of the entire sentence may, in light of circumstances, be suspended for a period of not less than 1 year but not more than 5 years from the day on which the sentence becomes final and binding. The juvenile may be placed under probation throughout the period of suspended execution of the sentence.

163. Regarding activities to support the rehabilitation of children, refer to Attachment 2.

164. (Concluding observations, paragraph 85 (g)) The Juvenile Act stipulates that juvenile detainees must be kept separated from adults. When juveniles are detained in a police detention facility, they are treated in dedicated rooms that are separated from rooms for adult detainees, to eliminate the chance of mutual contact between the juvenile and any adult detainee.

165. (Concluding observations, paragraph 85 (g)) The Act on Penal Detention Facilities and Treatment of Inmates and Detainees stipulates that juvenile detainees may meet visitors such as relatives or a defense counselor, and exchange mail with them.

In a detention facility, juvenile detainees are permitted to meet visiting relatives, unless such a meeting obstructs administration of the detention facility or investigation of the case.

166. (Concluding observations, paragraph 85 (g)) In accordance with the Code of Criminal Procedure, when a juvenile detainee requests to make the appointment of a defense counselor, the detention officer must notify the bar association of the request or make other necessary arrangements.

In accordance with the Act on Penal Detention Facilities and Treatment of Inmates and Detainees, a juvenile detainee is permitted to meet the visiting defense counselor without attendance of the detention officer, for an unlimited amount of time in principle.

167. (Concluding observations, paragraph 85 (f)) Article 31 of the Constitution stipulates the general principle of due process, stating that no person shall be deprived of life or liberty except according to procedure established by law. Article 33 of the Constitution stipulates that no person shall be apprehended except upon warrant, unless the person is apprehended in the act of committing an offence. Article 34 of the Constitution stipulates that no person shall be detained without being at once informed of the charges against the person. Based on these principles, the Code of Criminal Procedure stipulates several types of arrest. Namely, normal arrest, which is executed upon an arrest warrant issued in advance by a judge when there exists probable cause to suspect that the suspect has committed an offence; on-the-spot arrest, which is executed without a warrant when a person is in the very act of committing or has just committed an offence; and emergency arrest, which is also executed without a warrant when there are sufficient grounds to suspect that the suspect committed one of a serious offences stipulated in the Code, and it is impossible to seek an arrest warrant because of urgency.

The Juvenile Act takes into account the characteristics of a juvenile in stipulating custody of a juvenile in the pre-trial investigation; a juvenile shall not be detained except in unavoidable cases, and when a juvenile is detained, the juvenile may be detained in a juvenile classification home. A juvenile may also be put under observation and protection in lieu of detention.

If a juvenile objects to physically be taken into custody, he/she may request revocation or a change of the decision on detention. A juvenile may also file an objection against the decision of observation and protection. If the objection has cause, the family court rescinds the original decision and makes further judgment as necessary.

168. Regarding the average incarceration period of children who are paroled from juvenile prisons, please see Attachment 3.

169. There are no cases of a "child who has been deprived of liberty unlawfully or arbitrarily." Regarding the number of children who have been deprived of liberty lawfully, and other related statistics, please refer to Attachment 3.

(c) Capital punishment and life imprisonment (art. 37 (a))

170. Article 51 of the Juvenile Act (see Attachment 1) stipulates mitigation of the death penalty and life imprisonment against a person who is under 18 years of age at the time of committing the offense.

In Japan, there is no sentence comprising life imprisonment without parole. For any life imprisonment sentence, parole is applicable after ten years of imprisonment.

Additionally, Article 58 of the Juvenile Act stipulates that a person who is under 20 years of age when he/she is sentenced to life imprisonment is eligible for parole after seven years of imprisonment, except for cases stipulated in Article 51 (1).

(d) Training of professionals involved with the juvenile justice

171. Please refer to "Training" in Attachment 2 and paragraphs 94 and 98 of the third periodic report of Japan.

172. For actions taken by lawyers, refer to Attachment 2.

X. Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC)

Data

173. See Annex 3 for major welfare crime arrests (people) related to sexual exploitation. (Concluding Observations Paragraph 80(a)-(d)) Organized crime group (boryokudan) members and other related persons accounted for 3.7% (257 people) of the number of suspects whose cases were sent to the Public Prosecutor's Office for welfare crimes in 2015. These results highlight the role of organized crime group (boryokudan) members and other related persons in highly malicious cases, such as illicit drug sales to juveniles and using girls in prostitution.

174. See Annex 3 for the number of consultations on child abuse at child guidance centers.

Legislation

175. See Paragraph 5.

National Plan of Action

176. Related ministries and agencies are comprehensively promoting various measures, including victim prevention and halting distribution and viewing of child pornographic images on the internet, based on the "Third Comprehensive Measures to Eliminate Child Pornography," formulated by the Ministerial Meeting Concerning Measures Against Crime in July 2016. (https://www.npa.go.jp/safetylife/syonen/no_cp/cp-taisaku/pdf/cp-measures3.pdf)

Furthermore, in order to promote comprehensive activities aimed at the elimination of child pornography through public and private collaboration, the Council on Promotion of Measures to Eliminate Child Pornography, comprising the Government and several private-sector groups, has held annual general assemblies since 2010. In November 2016, the Council was expansively reorganized as the Council on Promotion of Measures to Eliminate Child Sexual Exploitation to promote more expanded measures and continue to achieve public and private collaboration, including through information exchanges and holding general meetings.

177. The Government formulated "Japan's Action Plan to Combat Trafficking in Persons" in December 2004 and "Japan's 2009 Action Plan to Combat Trafficking in Persons" in December 2009, based on its recognition of human trafficking as a serious violation of human rights and the need for quick and appropriate responses from a humanitarian perspective. Japan has achieved significant progress on measures against human trafficking through steady implementation of the actions outlined in these two plans, and has thereby accomplished a certain level of results. However, human trafficking is still a serious international problem and the international community's interest in Japan's human trafficking measures remains high. Japan thus prepared "Japan's 2014 Action Plan to Combat Trafficking in Persons" in December 2014 to continue to suitably address conditions related to human trafficking and promotes measures in a unified manner.

(http://www.cas.go.jp/jp/seisaku/jinsin/kettei/kettei20141202en.pdf)

The Government also established the ministerial-level "Council for the Promotion of Measures to Combat Trafficking in persons," and related ministries and agencies are cooperatively taking actions.

Following the plan, NPA continues to promote crackdowns on crimes of human trafficking, and make efforts to find victims and provide appropriate protection and assistance in cooperation with related entities and groups.

178. Eliminating all forms of violence against women is one of the key areas in the Third Basic Plan for Gender Equality, adopted by the Cabinet in December 2010. In order to

domestic violence against women, the government has promoted comprehensive and wide-ranging strategies corresponding to the forms of violence addressed in the plan.

As measures to eradicate sexual violence against children, the plan addresses detailed strategies on the prevention of sexual violence against children, and for consultation and support for the victims, promotion of actions tackling child pornography and child prostitution, and encouraging raising awareness activities. The measures have been driven by the commitments of relevant ministries.

The Government is taking further actions to eliminate sexual violence against children based on the Fourth Basic Plan for Gender Equality, adopted by the Cabinet in December 2015.

Coordination and evaluation

179. Regarding measures against child sexual exploitation, the National Public Safety Commission has been responsible for the planning and comprehensive coordination necessary to unify all administrative measures since April 2016. The Commission established a coordination meeting among concerned ministries and agencies in order to make the necessary coordination among ministries and agencies.

(The Basic Plan on Measures against Child Sexual Exploitation was later formulated at the Ministerial Meeting concerning Measures against Crime on April 18, 2017.)

Dissemination and training

180. (CRC/C/JPN/CO/4, Concluding Observations Paragraphs 16-17, 85) See Annex 2.

Allocation of resources

181. (CRC/C/JPN/CO/4, Concluding Observations Paragraph 19) To strengthen criminal investigations and support crime victims, the necessary budgets are secured, and staff members have been added to the Public Prosecutor's Office to improve the prosecution system.

Prevention of crime

182. (Concluding Observations Paragraph 80(a)(d), CRC/C/JPN/CO/4, Concluding Observations Paragraph 27, 83) NPA has participated in the international child pornography database since 2009, and is working to strengthen collaboration with various countries for the identification and rescue of child victims.

183. (Concluding Observations Paragraphs 80(a)(d), 82, OPSC Concluding Observations Paragraph 27(a)) NPA invites representatives from investigative entities from Southeast Asian countries addressing child commercial and sexual exploitation problems to Japan for a "Conference of Investigators on Commercial Sexual Exploitation of Children in Southeast Asia," which it holds as an annual event to exchange opinions on initiatives and other activities.

NPA also attends the "Specialists Group on Crimes against Children" hosted by the International Criminal Police Organization (ICPO) to exchange opinions and build cooperative relationships with the investigative entities of various countries.

184. (Concluding Observations Paragraph 82) The police use the Child Pornography Advanced Searching System (CPASS) for investigations of child pornography crimes. This system aims to achieve efficient and effective investigations of child pornography crimes through sharing image-related investigative information via centralized management at NPA of child pornography images (still images and video images) and information related to the subject images obtained by investigations handled by various prefectural police forces and inquiries of images obtained by prefectural police forces with the centrally managed image database.

185. (Concluding Observations Paragraph 82) The Police strive to ascertain information related to child pornography via its cyber patrol and tips sent to the Internet Hotline Center, and then implements crackdown efforts in order to prevent distribution and viewing of child

pornography. It also requests that the managers or others in charge of the site listing the subject information remove it, and gives notice and guidance to work on preventing reoccurrence of similar cases.

Following the launch of a measure to prevent the viewing of child pornography on the internet (blocking) as a voluntary private-sector initiative, including internet service providers, in April 2011, NPA supports the measure by supplying necessary information.

186. (OPSC Concluding Observations Paragraph 27(a)) Japan has participated in the Global Alliance against Child Sexual Abuse Online and the WePROTECT Summit, and has published a report on measures taken in Japan to the Global Alliance.

Japan expects to join the forthcoming WePROTECT Global Alliance to End Online Child Sexual Exploitation, which is to be launched through a merging of the above two frameworks.

187. (OPSC Concluding observations, paragraph 27 (a)) Since 2004, NPA has hosted the Contact Point Meeting on Trafficking in Persons every year to exchange opinions and information with representatives from embassies in Tokyo, relevant public agencies, prefectural governments, NGOs, and the International Organization for Migration (IOM).

188. (Concluding Observations Paragraph 80(d), OPSC Concluding Observations Paragraph 27(c)) Japan obtained National Diet approval for the conclusion of the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children," which supplements the United Nations Convention against Transnational Organized Crime, on June 8, 2005, and the implementing legislation for the Convention has been passed in the Diet on June 15, 2017. Since the implementing legislation for the Protocol has already been enacted, Japan is now ready to become a State Party to the Convention as well as the Protocol. The Government of Japan is now in the process of becoming a State Party to the Convention, as well as the Protocol at the earliest possible time.

189. (OPSC Concluding Observations Paragraphs 29 and 31) See Paragraph 5. Article 98 (2) of the Constitution stipulates that "the treaties concluded by Japan and established laws of nations shall be faithfully observed." Naturally, the government has established domestic laws and implemented public programs on the condition that obligations stipulated in the concluded treaties should be observed. After examination of the previous periodic report, when drafting relevant domestic laws that have been revised or newly established, careful consideration was given in order to more effectively reflect the intent of the Convention. Public prosecutors strive to give strict treatment and punishment to offenders who commit crimes victimizing children, in accordance with the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children, the Child Welfare Act, the Penal Code and other relevant laws.

Prohibition of the sale of children, etc.

190. The Act on Control and Improvement of Amusement Business, etc. prevents behavior that hinders the healthy development of juveniles. (See Annex 1.)

191. (Concluding Observations Paragraphs 80(a)-(d), 82, OPSC Concluding Observations Paragraph 31(b)–(d)) The Police are actively cracking down on crimes committed outside of Japan based on the provision for punishment of crimes committed outside of Japan in the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children.

192. (Concluding Observations Paragraph 82) NPA defines welfare crimes as those crimes that hurt the welfare of juveniles or have a harmful impact on juveniles and is cracking down on such activities using the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children, the Child Welfare Act, the Labor Standards Law, and the Act on Control and Improvement of Amusement Business, etc. that contain prohibition related to these areas.

193. (OPSC Concluding Observations Paragraph 33) See Paragraph 8.

194. (OPSC Concluding observations, paragraph 35) The Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the

Protection of Children stipulates punishments for persons who commit child prostitution. Under this Act, only persons who bought child prostitutes are punished, and victimized children are not criminalized.

Protection of the rights of child victims

195. (Concluding Observations Paragraphs 49(b), 82, OPSC Concluding Observations Paragraphs 39(c), 41) For children victimized by welfare crimes, such as child prostitution, juvenile guidance employees and others with knowledge about juveniles and skills for dealing with juveniles provide sustained assistance, mainly through juvenile support centers located at prefectural police offices, including detailed counseling that factors in the unique characteristics of each juvenile and environment adjustments together with guardians and others, while cooperating with external specialists and private-sector volunteers as needed. The police offer education, such as counseling classes with university professors, counselors, and other experts as teachers, for these employees.

196. (OPSC Concluding observations, paragraph 39 (a)) If legal requirements are satisfied, a written statement or an audio and video record of the victimized child's statement may be presented as testimony at a trial, and in such a case, the child is not required to personally attend the trial to give testimony.

Additionally, (1) to mitigate strain on the child in the case that he/she has been victimized, consultation desks are established in the related organizations, such as the Public Prosecutor's Office, police stations and child guidance centers, to ensure close contact and information sharing between these consultation desks in daily operations, and (2) when interviewing a victimized child, the officers in charge of the case at the Public Prosecutor's Office, police stations and child guidance centers consult with each other in advance to appoint a single interviewer who assumes responsibility for personally interviewing the child to minimize his/her stress. The interviews are audio- or video-recorded as necessary.

The Code of Criminal Procedure also stipulates a system in which the victim may demand that his/her address and other personal information not be disclosed to concerned persons in the process of discovery of the evidence; a system in which the name, address and other information that identifies the victim are not disclosed in open court; and other measures to protect the victim, such as accompanying persons, screens for the witness, or testimony by video link. The Public Prosecutor's Office properly utilizes these systems to protect victimized children.

197. (OPSC Concluding observations, paragraph 39 (b)) To mitigate the mental and psychological strain on the witness during the witness examination, the Code of Criminal Procedure was amended in part in 2000. Under the amended Code, it is permitted in certain cases to apply a screening measure for a witness during an examination or to examine a witness through the video link system. Moreover, the court may have the witness be accompanied by an appropriate person if the witness is likely to feel extreme anxiety or tension.

Additionally, the amendment of the Code in 2007 introduced a new system in which the victim may participate in the criminal trial if certain conditions are met. By the subsequent amendment of the Act on Measures Incidental to Criminal Proceedings for Protecting the Rights and Interests of Crime Victims in 2008, a court-appointed counselor system was introduced to provide a counselor to the victim participating in the trial. An additional amendment of the Act in 2013 introduced a system in which traveling costs and certain other expenses of a victim participating in a trial are covered by the government.

Under the 2007 amendment of the Code, we introduced a system in which, upon request of the victim and if certain conditions are met, the court may decide that matters identifying the identity of the victim shall not be disclosed in open court. The so-called "damage compensation order procedure" was also introduced by this amendment, in which the victim of a crime may resolve a civil dispute with the defendant simply and quickly taking advantage of the results of the criminal proceeding.

Under the 2016 amendment of the Code, the conditions required for witness examination through the video link method were relaxed and new rules regarding disclosure of the name

and address of the witness and non-disclosure of the name and other information pertaining to the witness in open court were also introduced.

198. To protect crime victims, including those who are children, the Public Prosecutor's Office provides the results of the case investigation and the criminal trial to the victim.

199. (OPSC Concluding Observations Paragraph 39(c)) See Annex 2 for dissemination, awareness-raising and training.

200. The Legal Training and Research Institute, which provides training for judges, conducts training programs on giving consideration to crime victims, including those who are children, to enhance the awareness of judges.

201. The Japan Legal Support Center provides crime victims with information on the legal systems that they can use as well as the authorities and organizations that can provide them the support they need, and also refers crime victims to lawyers who are well versed in supporting crime victims. To provide financial support to crime victims who are not financially capable, the Center provides free legal consultation and makes an advance payment of fees for attorneys' services if a crime victim claims damage compensation from the offender, as Civil Legal Aid. Children victimized by child abuse may also use these supports. If a victimized child requests financial support by making an advance payment of fees for attorneys' services, the Center must, in principle, obtain the consent of the legal representative of the child.

202. The Parliamentary Vice-Minister for Foreign Affairs of Japan attended The Third World Congress against Sexual Exploitation of Children and Adolescents (2008, Rio de Janeiro) and stressed the importance of initiatives by the entire international community toward resolving the problem of sexual exploitation of children.

203. Japan accepted the visit and survey by the Special Rapporteur on the sale of children, child prostitution and child pornography in October 2015.

204. (OPSC Concluding observations, paragraphs 27 (a) and 43) Japan has concluded mutual legal assistance treaties or agreements with the U.S., South Korea, China, Hong Kong, the EU and Russia. Based on these treaties or agreements, or on the international comity and the assurance of reciprocity with other countries, Japan provides mutual legal assistance for criminal cases including child trafficking, child prostitution and child pornography.

205. In 2014, Japan carried out a campaign to deter sexual violence in Central Africa where a coup occurred in 2013 by providing "urgent support for fragile children 5 years of age or younger and women victimized by the current humanitarian crisis in Central Africa (US$1.8 million)" via UNICEF.

XI. Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC)

1. The implementation of the recommendations in the Committee's previous Concluding Observations under the OPAC

Dissemination and training

206. (OPAC Concluding Observations Paragraph 7) See Annex 2 for training.

Data

207. (OPAC Concluding observations, paragraph 9) Japan does not have a system for drafting children. Within the jurisdiction of Japan, children are never used for hostile activities; therefore, the existence of children who may have been recruited or used for hostile activities is inconceivable.

208. (OPAC Concluding observations, paragraph 9) Because the Ministry of Defense (MOD) discontinued recruitment of Youth Cadets in April 2009, it cannot provide information on the socio-economic background of persons recruited into this group.

Human rights and peace education

209. (OPAC Concluding observations, paragraph 11) Based on the Act on Promotion of Education and Enlightenment of Human Rights, the Basic Plan for Education and Enlightenment of Human Rights, and other relevant laws, Japan promotes human rights education. At schools, peace education is provided in accordance with the school curriculum guidelines. MEXT encourages municipal boards of education to improve teacher training in order to achieve the principles of the school curriculum guidelines.

Legislation

210. (OPAC Concluding observations, paragraph 13 (a)) In Japan, the Penal Code is a law which stipulates elements that constitute the most fundamental types of crimes and punishments for those who commit those crimes. Therefore, it cannot be considered appropriate to stipulate the crimes pointed out in the Concluding observations, regardless of whether introducing such crimes are appropriate or not.

Obviously, the Japan Self-Defense Forces never recruit children, but if they force children to do their military service or making use of children in armed conflict by intimidating them through a threat to the life, body, freedom or by use of assault, it would constitute a crime of compulsion under the Penal Code.

And if a public officer abused his/her authority and made children do their military service or made use of children in an armed conflict, it would constitute a crime of abuse of authority under the Penal Code.

Regarding armed groups, if a person plots to overthrow the government and makes preparations necessary for the actual implementation of such a plot, such as recruitment of soldiers, it constitutes the crimes of preparation or plot of insurrection, under the Penal Code. And if a person, for the purpose of waging war privately upon a foreign state, makes preparations necessary for it, such as recruitment of soldiers, it constitutes a crime of preparation or plot for private war under the Penal Code.

211. (Concluding Observations Paragraph 13) See Paragraph 23 of the first OPAC periodic report.

212. (OPAC Concluding Observations Paragraph13(b)) See Paragraph 9.

Assistance for recovery

213. (OPAC Concluding observations, paragraph 17 (a) and (c)) Article 53 (3) (i) of the Immigration Control and Refugee Recognition Act stipulates that deportation destinations do not include the territories of countries prescribed in the Refugee Convention, Article 33(1). Article 53 (3) (ii) of the Immigration Control and Refugee Recognition Act stipulates that deportation destinations do not include countries prescribed in Article 3(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Article 53 (3) (iii) of the Immigration Control and Refugee Recognition Act stipulates that deportation destinations do not include countries where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance, as prescribed in Article 16(1) of the International Convention for the Protection of All Persons from Enforced Disappearances.

Applications for refugee status recognition are processed expeditiously for children under 16 years of age unaccompanied by their parents and persons with a serious illness. Additionally, the government considers what is in the best interest of the child and takes proper measures, such as allowing the presence of a counselors, etc. during the interview of a child applicant. Since the start of the refugee status recognition system in January 1982, 132 children have been recognized as refugees.

In the refugee status recognition procedure, if a child submits a request for such an arrangement, the government considers what is in the child's best interest and takes the proper measures.

In the refugee status recognition procedure in Japan, a "refugee" is defined as a refugee to whom Article 1 of the Refugee Convention applies or to whom the Refugee Convention applies in accordance with Article 1 of the Protocol Relating to the Status of Refugees. To protect persons who suffer "new forms of persecution," in the future, the government will establish a system to accurately interpret the applicability of the Refugee Convention for applicants who suffer such persecution.

OPSC Concluding observations, paragraphs 17 (b)

214. The government provides support for the social rehabilitation of children via UNICEF. In 2014, Japan provided vocational training in Central Africa where a coup occurred in 2013 to 1,000 former child soldiers and mental care to children affected by the conflict as well as other support activities, providing "urgent support for fragile children 5 years of age or younger and women victimized by the current humanitarian crisis in Central Africa (US$1.8 million)" via UNICEF.

215. In 2016, under the project "Peace Education in Mali" via UNICEF, Japan provided an education program to promote peace education for children, young people, citizens in the most vulnerable environments, guardians and communities that suffered from the civil war (project size US$1.5 million).

2. Major developments concerning legal and policy measures

216. Based on the concept of proactive contribution to peace, aiming to contribute to the peace and stability of the international community through the UN peacekeeping operations, Japan expressed at the first (2014) and the second (2015) Peacekeeping Summits, held during the respective opening sessions of the UN General Assembly, its intention to make further contributions to enable the UN peacekeeping operations to become more effective and deliver results. Under this initiative, Japan provided support to various activities related to the protection of children via the UN (such as training on the protection of civilians provided to trainers of personnel-contributing countries to peacekeeping missions, and projects to prevent sexual exploitation and abuse).

3. Whether children have directly taken part in hostilities

217. Please refer to Paragraph 9. Since the ratification of the Convention (April 1994), no one in Japan under 18 years of age has been directly involved in the conduct of hostilities.

4. Whether child asylum seekers and migrants are screened in order to identify children affected by armed conflict

218. No case falling under the above mentioned category has been identified.